it will deal with them as concisely as possible and in the same order.

As to the first argument, there appears to be abundant authority for the proposition that there can be no estoppel where, as in this case, a transaction is declared by statute to be void.

As to the second argument, I do not think that it is possible, in law, to ratify a void transaction, especially one that is void by statute.

As to the third argument, I might have attached some weight to it had not Mr. Woods himself expressly admitted, early on in this case, that the plaintiff and the first defendant Kehar Singh are different persons though related by the fraternal tie. True it is that he limited that admission to this case and for the purposes of this case only; but we are still dealing with this case, and I cannot regard Mr. Woods otherwise than as bound by the terms of his own express admission.

As to the fourth argument, if A. buys lands and has them transferred to B., and then procures B.'s registration as the proprietor thereof under the Land Code; to whom do such lands belong? According to the Land Code they belong to B., and he has an indefeasible title thereto unless such registration was procured by means of fraud, or misrepresentation or a void or insufficient instrument. It is not suggested that the original registration of the plaintiff as the proprietor of these lands was obtained by any such means, and I therefore cannot see that it matters one kupang whether he was the first defendant's nominee or not.

For these reasons I am of opinion that this appeal should be allowed. We cannot give the plaintiff the relief which he asks for in his statement of claim, because the lands in question have been sold during the pendency of this appeal at the instance of the second defendant Bahadur Singh, and in execution of a decree in his favour against the first defendant. We can however, take notice of that event; and since the plaintiff is willing, in order to shorten litigation, to accept the net proceeds of sale of these lands in lieu of the lands themselves, I myself would give judgment in his faovur for that amount, which I understand is $3,520, against the second defendant. As my learned brethren, however, have arrived at the conclusion that the appellant is not entitled to any damages, no useful purpose will be served by adding an expression of my views as to the proper order to be made in regard to the costs of this appeal.

Appeal dismissed with costs.

[APPELLATE CIVIL JURISDICTION]

AITKEN, J.

September 10, 1937.

KATHIGASU .....**Appellant**

v.

BACHAN SINGH.....**Respondent**

[PERAK MAGISTRATE'S CIVIL APPEAL No. 23 of 1937]

Bills of Sale Enactment (Cap. 57), Section 11 (b)—Meaning of "Summons."—Procedure for Seizure and sale—Civil Procedure Code (Cap. 7) —Originating Summons—Jurisdiction.

The Civil Procedure Code (Cap. 7) applies to proceedings for the seizure and sale of property scheduled to a Bill of Sale given by way of security.

The word "summons" in section 11 (b) of the Bills of Sale Enactment (Cap. 57) means an originating summons.

The Court of a Magistrate has no jurisdiction to entertain any application under section 11 (b) of the Bills of Sale Enactment.

B. K. Das for appellant.

J. Dunford Wood for the respondent.

AITKEN, J.—I entertain no doubt that the Civil Procedure Code does apply to proceedings for the seizure and sale of property scheduled to a Bill of Sale given by way of security. Assuming that I am right on that point then the word "Summons" in section 11 (b) of the Bills of Sale Enactment must mean an originating summons: see definition of Originating Summons in section 2 of the Civil Procedure Code. And it follows that the Court of a Magistrate has no jurisdiction to entertain any application under that section 11 (b) of the Enactment, since no Originating Summons can issue out of the Court of any Magistrate. This appeal must therefore be allowed and with costs.

Appeal allowed with costs.

[APPELLATE CIVIL JURISDICTION]

PEDLOW, J.

November, 1, 1937.

INDUN BINTI MAT ZIN....Applicant-Appellant

v.

1. **HAJI ISMAIL BIN MUSA**
2. **ABDULLAH BIN SUHOR**
3. **MIDUT BINTE HAJI BALI**
4. **MOHAMED NOOR**

....**Objector-Respondents**

[NEGRI SEMBILAN CIVIL APPEAL No. 5 of 1937]

Non-customary land—Distribution—Custom and Muhammadan Law.

The only land which can now descend according to "custom" is "customary land" coming within the Customary Tenure Enactment (Cap. 215). As regards Malays